

PECFA POST

A newsletter created and distributed by the Wisconsin Department of Commerce, Bureau of PECFA Site Review Section

Volume 1, Issue 3

October 2001

Welcome to the 3rd Edition of the PECFA POST Newsletter

Thank you for your replies to previous editions of the PECFA Post. Many suggestions and replies were received. These suggestions will be taken up in future issues, which will be distributed via email unless otherwise notified. Please note that the PECFA Post is also available on the Commerce Web Site.

Circulation of the PECFA Post

- In a continued effort to expedite the circulation of future newsletters, they will be distributed electronically. If you would like to be placed on the e-mail list, or on a regular mail list, please forward your e-mail address to Kristi Hammes at khammes@commerce.state.wi.us, or in writing at the address listed on page 6. Kristi is the current point of contact for the PECFA POST newsletter.

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New Division Administrator

We are pleased to announce that (Former) Commerce Secretary Brenda Blanchard has recently appointed Cathy Cliff to the position of Administrator of the Environmental and Regulatory Services Division. Mrs. Cliff assumed her new duties on August 20, 2001.

For the past five years, Cathy Cliff headed the Department of Natural Resources' (DNR) Education and Public Affairs Section, which is responsible for the education and communication of matters related to budget development, public affairs, and policy. From 1986-1996, she was Chief of the DNR's Education and Youth Programs Section, directing department educational programs. Prior to that, she held management positions at the Bureau of Social Security Disability Insurance in the (former) Department of Health and Human Services. Cathy Cliff has a BA in Secondary Education from UW-Platteville.

We would like to send a fond farewell to Ron Buchholz for all his dedication as Acting Deputy Administrator during the recent administration transition.

Web Access and Improvements to the Newsletter and Site Review Section Website

The improved *Site Review* Section website is currently under construction and will be available soon. Recent improvements to the website include:

- PECFA Site Review Section Closeout Forms are in .pdf format and are located under "Forms"
- The March issue of the PECFA Post, as well as future issues, is located under PECFA News.

Submittal of Site Investigation (SI) Claims

When to submit the SI claim:

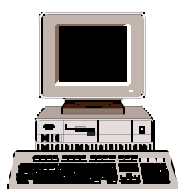
- Sites that have submitted the less than 60K notification:** Once the case has received a letter stating that conditional closure has been granted.
- Sites subject to Public Bid:** Upon receipt of the Bid Response Letter. The Department of Commerce has indicated that this bid response fulfills the requirements of *receipt of written approval by the department* (Commerce) and therefore submittal of the investigation claim is allowed per Comm 47.355(2)(c)2. Please include a copy of this document in your site investigation claim package.

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Circulation of the PECFA Post (continued)

Commerce would like to continue to hear from you, the consultant, about topics that you would like to have covered in future newsletters and training sessions. Please continue to send your comments and suggestions to Kristi Hammes.

Geographic Information System (GIS) Registry Information



The Department of Natural Resource's (DNR) GIS Registry of Closed Remediation Sites becomes effective November 1, 2001 as well as the changes to the Administrative Rules NR 716, 726 and 749. The rule changes eliminate the need to record groundwater use restrictions and are necessary due to the lack of easy access to the county register of deeds records to review groundwater use restrictions. Additionally, a provision in 1999 Wisconsin Act 9 provided funding to the DNR for development of a GIS and the authority to charge fees for development and maintenance of a GIS database. Note: The current rule changes still require the recording of deed restriction for residual soil contaminant concentrations that necessitate the use and maintenance of engineered controls (e.g., direct contact risk) or that use industrial RCLs for closure. In addition, the current rule changes will not effect the need to record deed affidavits for residual soil contaminant concentrations above NR 720 RCLs.

Currently, ch. NR 726 requires a responsible party to record a groundwater use restriction at the county register of deeds office when closing a site with groundwater contamination that exceeds ch. NR 140 enforcement standards. The GIS Registry will enable the general public to easily access the information to determine whether a property that is associated with a closed remedial action will require special construction features if a drinking water (potable) well is planned to

be installed. The GIS Registry provides a database that shows all closed groundwater contaminated properties. This provides information to future property owners and allows for proper potable well construction for properties with residual groundwater contamination.

The rule requires well drillers to contact Digger's Hotline prior to construction of a private well outside of the service area of a municipally owned water system. Digger's Hotline will check the GIS database and contact the DNR if a well is being proposed for a property that has been granted closure with groundwater contamination remaining at concentrations above NR 140 enforcement standards.

If a well driller is proposing to construct a well within the service area of a municipally owned water system, the rule requires they contact the DNR prior to beginning construction. The rule requires municipalities to check the GIS database and the Bureau for Remediation and Redevelopment's tracking system (BRRTS) prior to locating a municipal well. Additionally, the responsible party will need to formally notify landowners whose property has groundwater contamination at the time that case closure is requested.

A \$250 fee (NR 749) must be paid to DNR for any site requesting case closure with groundwater contamination remaining above ch. NR 140 enforcement standards, regardless of which agency approves closure. Any fees received by the Department of Commerce will be returned to the sender. A case closure submittal will be considered complete only if a copy of the receipt for the paid fee is included. Additional items required in case closure submittals are addressed in the following article. Please note that any fee (NR 749) imposed by the DNR is not reimbursable by PECFA per Wisc. Stat. 101.143(4)(c)10..

Closure Submittal Information

Items to be included in the closure requests need to be:

- a.) **Historical information** – tank removal, tank and sludge disposal documentation, and soil/groundwater sample analytical results.
- b.) **Site investigation information** – maps

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containing Geoprobe/soil boring/monitoring well locations, soil/groundwater data, groundwater elevation, free product (levels, location, quantity removed), current/former UST basin location(s) and a complete property boundary map.

- c.) **Remedial activity information**– complete excavation information (map, disposal documentation/ trucking weight tickets, sample location), SVE data (influent/effluent), RNA information (historical groundwater data prior to and after an active system).
- d.) **Additional information needed for sites seeking closure with contaminated groundwater, if received by the Department after October 31, 2001** – Copy of GIS Registry fee proof of payment (receipt), geographical position data for all affected properties, copy of deed for all affected properties, copy of certified survey map or recorded plat map for all affected properties whose deed refers to such maps, parcel identification number for all affected properties, and a separate GIS registration data package, which will include the following:
 - location map showing complete property boundaries for all affected and partially affected properties [no larger than 8.5 X 11 inches (legal page)];
 - site map showing buildings, roads, property boundaries, contaminant sources, utility lines, and monitoring and potable well locations within the contaminated site boundaries (no larger than legal page);
 - table of most recent groundwater sample results (no larger than legal page);
 - groundwater isoconcentration map, which shows the direction of groundwater flow and at a minimum, shows the horizontal extent of groundwater contamination that exceeds NR 140 enforcement standards (no larger than legal page size). Note: rule change states horizontal extent of preventative action limit exceedances;
 - geologic cross-section, if available (no

larger than legal page);

- certification statement concerning accuracy of provided deed descriptions;
- copies and certification of delivery for the notification correspondence sent (not later than 30 days prior to the closure request submittal) to each off-property landowner affected or partially affected by the groundwater plume.
- e.) **Pathway to closure** – i.e. NR 708, NR 726 or NR 746 / Comm 46 (including restrictions)
- f.) **Completed Commerce Case Summary and Close Out Form** – located on the Commerce web page.
- g.) **List of all reports generated for the site.**

Brown Bag Lunches

The Site Review Section is willing to host regional Brown Bag Lunch Forums if there is enough interest. These sessions will last approximately one hour. For those that are interested please contact Kristi Hammes at 608-267-3753 or at khammes@commerce.state.wi.us with ideas and/or suggestions for topics and possible locations.



Transfer of Site Jurisdiction – 46.11(2)

Site investigation reports submitted after May 18, 2000, shall include a statement as to whether the site is believed to be high, medium or low risk and shall be submitted directly to the agency with administrative authority for the site under s. Comm 46.04(1). If the site falls under the authority the Department of Commerce, the responsible person shall provide DNR with a copy of the letter that transmits the site investigation to the Department of Commerce. The DNR shall transfer the site file to the Department of Commerce within 14 days after the receipt of the copy of the transmittal letter, which indicates that the site falls under the authority of the Department of Commerce.



COURSE ANNOUNCEMENTS



Updates on Wisconsin's Petroleum Tank Program Rules and Regulations

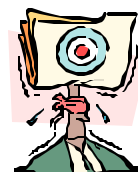
**October 15, 2001
Country Inn, Waukesha, WI**

Underground storage tank (UST) and aboveground storage tank (AST) programs have evolved over the past decade as state regulatory agencies have worked to implement federal requirements and respond to changes in remedial strategies. Total Petroleum Hydrocarbon (TPH) levels have been replaced or supplemented by risk based cleanup levels. The original focus on benzene was broadened to include polynuclear aromatic hydrocarbons (PAHs) and later, methyl tertiary-butyl ether (MtBE). Concerns about transport of contaminants to the groundwater have been joined by concerns regarding volatilization to indoor air and exposure pathways. Environmental consultants and contractors have had to keep up with these changes and continue to search for cost-effective ways to meet new regulations and client's needs.

Wisconsin's petroleum program has undergone similar changes over the past decade, with the most recent and significant changes being implemented in the past three years. The Department of Commerce Petroleum Environmental Cleanup Fund Administration (PECFA) and the Department of Natural Resources (DNR) have promulgated new rules – including risk-based options – to better address the widely varying situations found at different petroleum contaminated sites [Comm 46/NR 746]. The Department of Commerce Bureau of Storage Tank Regulation is also in the process of modifying rules for storage tank compliance [Comm 10].

Due to the number of recent changes in the program, the Department wants to provide an educational forum to update interested parties on the current petroleum program rules, regulations, and processes.

Course objectives are to present an overview of Wisconsin's petroleum tank program rule changes, summarize recent changes to the program as a result of the latest biennial budget, and provide you with an opportunity to meet and ask questions of key program staff.



Risk-Based Approaches to Site Remediation

**October 16 and 17, 2001
Country Inn, Waukesha, WI**

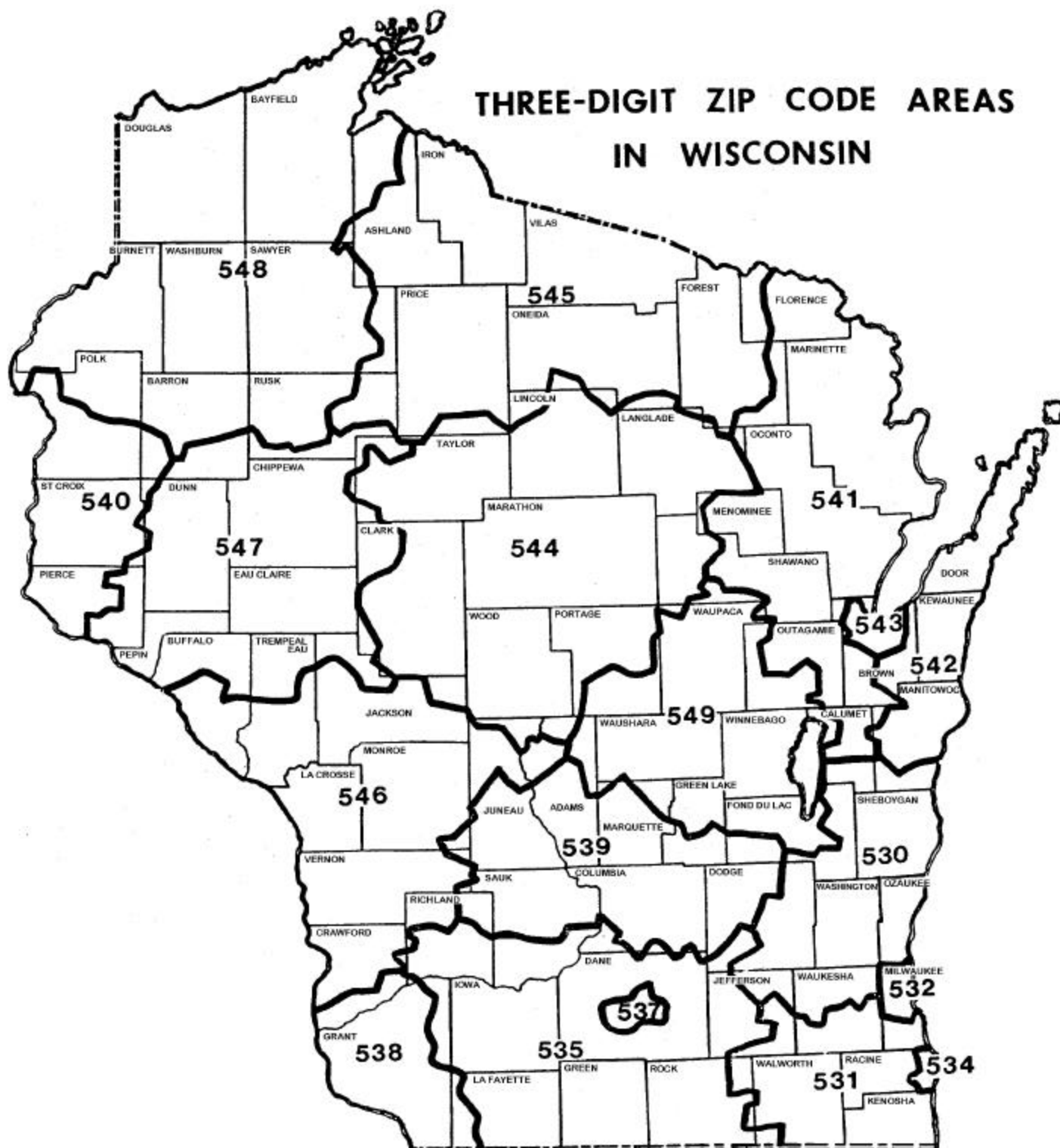
Wisconsin's petroleum cleanup program now offers risk-based cleanup options to better address the widely varying situations found at different UST sites. This course provides the practical information and techniques needed to apply risk-based evaluations at specific sites.

The emphasis is on evaluating the transport of contaminants from soils to potential receptors. We will examine the practical issues for site-specific application of risk-based decision making and risk management approaches. The course will work with input data and output from a variety of specific transport and fate models and learn to use the results from contaminant transport models in risk-based decision making on practical problems and developing site-specific cleanup levels. Guidance will also be given on sampling and statistical methods for evaluating field data and applying site-specific cleanup levels. This course is designed for people with widely varying technical backgrounds who want to gain a better understanding of the details of risk-based decision making and learn how to use these concepts on a site specific basis. You will need to bring a calculator and a ruler or scale for these exercises.

Registration for either of these two courses is being arranged by Environmental Resources, a division of Moraine Multimedia at the address below:

Environmental Resources
W275 N1990 Cabin Creek Court
Pewaukee, WI 53072.
Phone (262) 691-7413
FAX (262) 691-1579

PECFA Site Review Zone Contact Information



PECFA Site Review Zone Contact Information

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